IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3625 OF 2007

1. Mr. Vinod Gajanan Hanmatekar and anr. ..Applicants

Vs.

1. Smt. Vishakha Vinod Hanmatekar and anr. ..Respondents

Mr. M.S. Kadu for applicants.
Mr. Manish K. Mazgaonkar for respondent no.1.
Mr. P.A. Pol, APP for State.

**CORAM: B.H. MARLAPALLE, J.**

**Date : November 02, 2007.**

**P.C.:**

1. Heard Mr. Kadu the learned counsel for the applicants who are the accused in C.C. No. 551 of 2005 instituted at the instance of the present respondent no.1. The applicants are praying for quashing of the said proceedings by invoking inherent powers of this court under Section 482 of Cr.P.C.

2. The applicant no.1 and the respondent no.1 were married on 29/4/2004 at Dombivli as per the Hindu Customs and they have a child from the said wedlock.

The respondent no.1 had lodged the complaint on 22/10/2005 with Vishnu Nagar Police Station against the present applicants for the offence punishable under Section 498-A read with Section 34 of IPC and it appears on submission of the police report the case is presently pending before the learned JMFC at Kalyan and registered as Case No.551 of 2005. In the meanwhile the parties have settled their disputes and more particularly the applicant no.1 and the respondent no.1. The respondent no.1 has filed affidavit-in-reply and stated that on 8/10/2006 both the parties had submitted an application to the learned JMFC for compounding of the offence, but the offence under Section 498-A is not compoundable and, therefore, this application.

3. In her affidavit the respondent no.1 has clearly stated that the applicant no.1 and she have agreed, in the interest of their minor son, to reside together and start afresh by forgetting the past. She, therefore, prays for quashing the pending complaint.

4. Having regards to the settlement between the

parties and by the consent of the respondent no.1, the application is allowed in terms of prayer clause (a).

**(B.H. Marlapalle,J.)**